

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3 1. LYNNETTE MASON,
4 Plaintiff,

5 vs. No. CIV-2020-1217-D

6 1. STATE FARM MUTUAL
7 AUTOMOBILE INSURANCE
8 CO., d/b/a STATE FARM
9 INSURANCE CO., a Foreign
For-Profit Entity,

10 Defendant.

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13 VIDEO DEPOSITION OF ANDREW GASS
14 TAKEN ON BEHALF OF THE DEFENDANT
ON MAY 6, 2022, BEGINNING AT 2:30 P.M.
15 IN OKLAHOMA CITY, OKLAHOMA
16

17 APPEARANCES:

18 On behalf of the PLAINTIFF

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25 REPORTED BY: Janna Pirtle, CSR, RPR

1 this deposition. I can't find any indication
2 where you, as Ms. Mason's lawyer, claimed --
3 made a claim to State Farm before the jury
4 verdict that there was a third vehicle involved.
5 And I guess I should just ask you that.

6 Do you recall ever making a claim before
7 the jury verdict that a third vehicle, a phantom
8 vehicle, had some partial or total
9 responsibility for this accident?

10 A Okay. Jay, I can do better if I go
11 through it chronological, if you'll let me do
12 that.

13 About 2017, she was getting ready to
14 have shoulder surgery, so I asked State Farm to
15 substitute. And I repeated that request, you
16 know, submitted the policy. And then when the
17 State Farm got a lawyer, Mike Chitwood, we --
18 you know, my correspondence with State Farm
19 stopped and I started dealing with Mike
20 Chitwood.

21 The first time that I heard about the
22 third -- can I continue?

23 Q Yes.

24 A About the -- when we did Ms. Harrison's
25 deposition and I'm going to guess that that's

1 2018, I hope I got my gears right, and Mike
2 Chitwood represented her, I heard across the
3 counsel table about the third car. And I didn't
4 believe her, but I had to take it -- I had to
5 take it seriously and talk to my client.

6 And then after that I did call Mike
7 Chitwood and said, Mike, we've got the third car
8 now. Can we just, you know, go ahead and pay
9 the UM or substitute the UM because she had
10 medical bills.

11 The next time that I did that was after
12 the trial and then I sent a letter to State Farm
13 because I didn't think Mike was their lawyer
14 anymore, so I sent it straight to State Farm.
15 Maybe I wasn't -- maybe I shouldn't have done
16 that, but I sent it straight to State Farm and
17 asked them to pay the UM.

18 Did I answer your question?

19 **Q You -- you did fine.**

20 **A Okay.**

21 **Q It raises some additional questions but**
22 **that's okay. You started off by saying sometime**
23 **in 2017 you made a request for a substitute**
24 **payment?**

25 **A Yes.**